



DOCKET NO.: C1039.70077US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Krieg et al.  
Serial No.: 10/619,279  
Confirmation No.: 8248  
Filed: July 14, 2003  
For: IMMUNOSTIMULATORY NUCLEIC ACID MOLECULES  
Examiner: Janet L. Epps Ford  
Art Unit: 1633

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 6<sup>th</sup> day of October, 2006.

*Emily E. Zukauskas*  
Emily E. Zukauskas

MAIL STOP AMENDMENT

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following documents:

- Information Disclosure Statement
- PTO Form 1449 with cited references
- Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 646-8000, Boston, Massachusetts.

A check in the amount of \$180 is enclosed to cover the filing fee. If the fee is insufficient, the balance may be charged to Deposit Account 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,

By:

*Helen C. Lockhart*  
Helen C. Lockhart, Ph.D., Reg. No.: 39,248  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, Massachusetts 02210-2206  
Telephone: (617) 646-8000

Docket No.: C1039.70077US00  
Date: October 6, 2006  
xNDDx



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*Emily E. Zukauskas*  
Emily E. Zukauskas

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**MAIL STOP AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

STATEMENT FILED PURSUANT TO THE DUTY OF  
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed more than three months after the filing date of this application and after the mailing date of the first Office action, but before the mailing date of any final action under 37 C.F.R. §1.113, a Notice of Allowance under 37 C.F.R. §1.311, or an action that otherwise closes prosecution in this application.

The fee of \$180.00 as set forth in 37 C.F.R. §1.17(p) is enclosed.

1030452.1

10/11/2006 WAB/ER1 00000072 10619279  
01 FC:1806 180.00 JP

PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified PTO/SB/08). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

The Applicant would like to bring to the Examiner's attention the following co-pending applications that may contain subject matter related to this application:

<u>Serial No.</u>	<u>Filing Date</u>	<u>Inventor(s)</u>	<u>Docket No.</u>
10/532,746	04-26-2005	Ahluwalia et al.	*C1037.70035US01
10/811,226	03-26-2004	Wagner et al.	*C1041.70005US01
11/179,008	07-08-2005	Hartmann et al.	*C1039.70044US02
11/301,360	12-09-2005	Bratzler et al.	*C1037.70013US02
11/361,313	02-24-2006	Krieg et al.	*C1037.70060US01
11/368,333	03-03-2006	Lipford et al.	*C1041.70037US01
11/368,334	03-03-2006	Krieg et al.	*C1039.70065US01
11/401,093	04-10-2006	Krieg et al.	*C1037.70062US01
11/411,975	04-26-2006	Uhlmann et al.	*C1041.70045US01

\*A copy of this reference is not provided as the Office has waived the requirement under 37 C.F.R. 1.98(a)(2)(iii) for submitting a copy of a cited U.S. patent application if it is scanned to the Image File Wrapper system and is available on Private PAIR.

PART III: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;

2. The enclosed form PTO-1449 (modified PTO/SB/08) be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his or her own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,

By:

  
Helen C. Lockhart, Ph.D., Reg. No. 39,248  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, Massachusetts 02210-2206  
Telephone: (617) 646-8000

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<b>FORM PTO-1449/A and B (modified PTO/SB/08)</b> <b>INFORMATION DISCLOSURE</b> <b>STATEMENT BY APPLICANT</b>   Sheet <b>1</b> of <b>13</b>				APPLICATION NO.: 10/619,279	ATTY. DOCKET NO.: C1039.70077US00
				FILING DATE: July 14, 2003	CONFIRMATION NO.: 8248
				APPLICANT: Krieg et al.	
				GROUP ART UNIT: 1633	EXAMINER: Janet L. Epps Ford

OCT 10 2006

PATENT & TRADEMARK OFFICE

**U.S. PATENT DOCUMENTS**

Examiner Initials *	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or Issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
		5,087,617		Smith	02-11-1992
		5,457,189		Crooke et al.	10-10-1995
		5,475,096		Gold et al.	12-12-1995
		5,514,577		Draper et al.	05-07-1996
		5,576,208		Monia et al.	11-19-1996
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		5,582,986		Monia et al.	12-10-1996
		5,670,637		Gold et al.	09-23-1997
		5,679,647		Carson et al.	10-21-1997
		5,684,147		Agrawal et al.	11-04-1997
		5,696,249		Gold et al.	12-09-1997
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		5,955,059		Gilchrest et al.	09-21-1999
		5,977,340		Pirotzky et al.	11-02-1999
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		6,174,872	B1	Carson et al.	01-16-2001
		6,194,388	B1	Krieg et al.	02-27-2001
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		6,221,882		Macfarlane	04-24-2001
		6,225,292	B1	Raz et al.	05-01-2001
		6,239,116	B1	Krieg et al.	05-29-2001
		6,339,068	B1	Krieg et al.	01-15-2002
		6,339,630		Macfarlane	06-04-2002
		6,406,705	B1	Davis et al.	06-18-2002
		6,426,336	B1	Carson et al.	07-30-2002
		6,429,199	B1	Krieg et al.	08-06-2002

EXAMINER:

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FORM PTO-1449/A and B (modified PTO/SB/08)				APPLICATION NO.: 10/619,279	ATTY. DOCKET NO.: C1039.70077US00
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Sheet	2	of	13	GROUP ART UNIT: 1633	EXAMINER: Janet L. Epps Ford

	6,479,504		Macfarlane et al.	11-12-2002
	6,498,147	B1	Nerenberg et al.	12-24-2002
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	6,558,670	B1	Friede et al.	05-06-2003
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	6,562,798	B1	Schwartz	05-13-2003
	6,610,308		Haensler	08-26-2003
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	6,821,957	B1	Krieg et al.	11-23-2004
	6,835,395	B1	Semple et al.	12-28-2004
	6,943,240		Bauer et al.	09-13-2005
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	7,001,890		Wagner et al.	02-26-2006
	2001-0021772	A1	Uhlmann et al.	09-13-2001
	2002-0086839	A1	Raz et al.	07-04-2002
	2002-0091097	A1	Bratzler et al.	07-11-2002
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	2003-0100527	A1	Krieg et al.	05-29-2003
	2003-0109469	A1	Carson et al.	06-12-2003
	2003-0139364	A1	Krieg et al.	07-24-2003
	2003-0148316	A1	Lipford et al.	08-07-2003
	2003-0148976	A1	Krieg et al.	08-07-2003

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FORM PTO-1449/A and B (modified PTO/SB/08)  INFORMATION DISCLOSURE STATEMENT BY APPLICANT				APPLICATION NO.: 10/619,279	ATTY. DOCKET NO.: C1039.70077US00
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Sheet	3	of	13		

.	2003-0181406	A1	Schetter et al.	09-25-2003
	2003-0186921	A1	Carson et al.	10-02-2003
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	2004-0009949	A1	Krieg	01-15-2004
	2004-0030118	A1	Wagner et al.	02-12-2004
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	2004-0171150	A1	Krieg et al.	09-02-2004

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Sheet	4	of	13	GROUP ART UNIT: 1633	EXAMINER: Janet L. Epps Ford

.	2004-0171571	A1	Krieg et al.	09-02-2004
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Sheet	5	of	13			

	2005-0130911	A1	Uhlmann et al.	06-16-2005
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	2006-0019916	A1	Krieg et al.	01-26-2006
	2006-0019923	A1	Davis et al.	01-26-2006
	2006-0058251	A1	Krieg et al.	03-16-2006
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	2006-0094683	A1	Krieg et al.	05-04-2006
	2006-0140875		Krieg et al.	06-29-2006

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				GROUP ART UNIT:	1633	EXAMINER: Janet L. Epps Ford
Sheet	6	of	13			

#### FOREIGN PATENT DOCUMENTS

Examiner's Initials #	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/Country	Number	Kind Code			
		WO	96/40162	A1	East Carolina University	12-19-1996	
		WO	98/52962	A1	Merck and Co., Inc.	11-26-1998	
		WO	99/33488	A2	SmithKline Beecham Biologicals S.A.	07-08-1999	
		WO	99/52549	A1	SmithKline Beecham Biologicals S.A.	10-29-1999	
		WO	99/56755	A1	University of Iowa Research Foundation	11-11-1999	
		WO	00/06588	A1	University of Iowa Research Foundation	02-10-2000	
		WO	00/15256	A2	Pasteur Merieux Serums Et Vaccins [FR]	03-23-2000	Y-Abstract
		WO	00/20039	A1	The Regents of the University of California	04-13-2000	
		WO	00/21556	A1	Dynavax Technologies Corporation	04-20-2000	
		WO	00/61151	A2	The Government of the United States of America	10-19-2000	
		WO	2004/007743	A2	Coley Pharmaceutical GmbH	01-22-2004	
		WO	2004/026888	A2	Coley Pharmaceutical GmbH	04-01-2004	
		WO	2004/094671	A2	Coley Pharmaceutical GmbH	11-04-2004	

#### OTHER ART — NON PATENT LITERATURE DOCUMENTS

Examiner's Initials #	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
		[No Author Listed] Antiviral Agents Bulletin. 5(6), 1992.	
		[No Author Listed] New England BIOLABS Catalog. 1993-1994.	
		[No Author Listed] Promega Catalog. 1993-1994.	
		AGRAWAL et al., In vivo pharmacokinetics of phosphorothioate oligonucleotides containing contiguous guanosines. Antisense Nucleic Acid Drug Dev. 1997 Jun;7(3):245-9.	
		AGRAWAL et al., Antisense therapeutics: is it as simple as complementary base recognition? Mol Med Today. 2000 Feb;6(2):72-81.	
		AGRAWAL et al., Medicinal chemistry and therapeutic potential of CpG DNA. Trends Mol Med. 2002 Mar;8(3):114-21.	
		AGRAWAL et al., Chapter 19: Pharmacokinetics and bioavailability of antisense oligonucleotides following oral and colorectal administrations in experimental animals. p525-43.	
		AGRAWAL et al., Antisense oligonucleotides: towards clinical trials. Trends in Biotechnology, 1996; 14: 376-87.	
		AMMERPOHL et al., Complex protein binding to the mouse M-lysozyme gene downstream enhancer involves single-stranded DNA binding. Gene. 1997 Oct 24;200(1-2):75-84.	

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DATE CONSIDERED:

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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				FILING DATE: July 14, 2003	CONFIRMATION NO.: 8248
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GROUP ART UNIT:	1633	EXAMINER:	Janet L. Epps Ford

Sheet

10 of 13

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